IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 6421 OF 2005
IN
FIRST APPEAL No. 2282 OF 2005

Ichalkaranji Mun. Council **APPLICANT**

Vs.

Raghunath D. Solage & Ors. **RESPONDENTS**

Ms. Archana Kalagi i/b Mr. Tejpal S. Ingale, Advocate
for Applicant.
Mr. R. S. Patil, Advocate for Respondent No.1.

Mr. S. N. Gawde, AGP for Respondent Nos. 2 & 3.

CORAM : Dr. S. RADHAKRISHNAN, J.

DATE : JULY 14, 2006.

P.C.

. Heard the learned counsel for Applicant and the Respondent No.1. In the above, it appears that the entire decretal amount was deposited by the Applicant before the Trial Court on 9th August, 2005, being sum of Rs.18,91,149/-. Thereafter the Respondent No.1 seems to have made an application for withdrawal of the same. Neither the Applicant nor Respondent Nos. 2 and 3 raised any objection with regard to the aforesaid withdrawal. Accordingly, the Trial Court has allowed the Respondent No.1 to withdraw the same on 9th August, 2005. The present Appeal though filed on 6th June 2005, the Appellant seems to have taken no steps whatsoever and the Civil

Application was taken out on 21st July, 2005 and the same was circulated only in April 2006. Under these circumstances, Civil Application has become infructuous. The same stands dismissed.

2. However, having regard to the facts and circumstances of the case, hearing of the above appeal is expedited. The learned counsel for Appellant undertakes to file private paper-book within six weeks from today.

3. Place the above Appeal for final hearing on board on 13th November, 2006.

[Dr. S. RADHAKRISHNAN, J.]